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# 4B

## Action

### *Credentialing and Certificated Assignments Committee*

#### **Proposed Addition to 5 California Code of Regulations §80048.7 Pertaining to Added Authorizations in Special Education and §80027.1 Pertaining to the Special Education Limited Assignment Teaching Permit**

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**Executive Summary:** This agenda item presents proposed additions pertaining to Added Authorizations in Special Education and the Special Education Limited Assignment Teaching Permit.

**Recommended Action:** Staff recommends that the Commission approve the addition of §§80048.7 and 80027.1 for the purpose of beginning the rulemaking file for submission to the Office of Administrative Law and scheduling a public hearing.

**Presenter:** Terri H. Fesperman, Consultant, Certification, Assignment and Waivers Division

#### **Strategic Plan Goal: 1**

#### **Promote educational excellence through the preparation and certification of professional educators**

- ◆ Grant credentials, certificates and permits as set out in regulation and statute

January 2009

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# **Proposed Addition to 5 California Code of Regulations §80048.7 Pertaining to Added Authorizations in Special Education and §80027.1 Pertaining to the Special Education Limited Assignment Teaching Permit**

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## **Introduction**

This agenda item presents proposed additions to 5 California Code of Regulations §80048.7 Pertaining to Added Authorizations in Special Education and §80027.1 Pertaining to the Special Education Limited Assignment Teaching Permit. The Added Authorizations were part of the recommendations of the Special Education Workgroup included in the report presented to the Commission and Legislature in December 2007. The Special Education Limited Assignment Permit serves as a temporary option while individuals complete the requirements for an Added Authorization.

## **Background**

### *Added Authorizations in Special Education*

Currently, the Commission issues supplementary and subject matter authorizations that may be added to multiple subject and single subject teaching credentials. The Commission has issued supplementary authorizations for single subject credentials since 1979 and multiple subject credentials since 1981. Subject matter authorizations were developed in response to the Federal *No Child Left Behind Act* of 2001 (NCLB) in 2004.

Supplementary and subject matter authorizations are commonly used at the middle and high schools in a variety of assignments. At the middle school level, they are used in core settings and departmentalized classes outside the subject of the teacher's credential. At the high school level, the supplementary and subject matter authorizations are used to offer additional classes in subjects such as drafting, economics, literature, and psychology. In addition, elementary schools use holders of added authorizations to teach physical education, art, music, and science to students during the self-contained classroom teacher's prep period.

Effective June 30, 2008, Assembly Bill (AB) 2302 (Chap. 41, Stats. 2008) established an alternate route (commonly called a Local Teaching Assignment Option) for assigning holders of specific special education credentials to provide special education instructional services to students with autism in California public schools. The provisions of this statute become inoperative two years after the Commission adopts regulations to add an autism added authorization or on August 31, 2011, whichever is first.

AB 2302 was emergency legislation and was created as a temporary solution until more permanent changes could be made. While AB 2302 addressed only the shortage of teachers to serve the number of newly diagnosed children with autism, the Commission's Special Education Work Group and Design Team expanded the list of possible added authorizations to other statewide special education specialty shortage areas. The Work Group and Design Team

determined additional methods should be available to holders of current and previously issued special education credentials to add expertise in areas of special education that were not part of their original authorization.

The Commission is proposing the establishment of six Added Authorizations in Special Education: autism spectrum disorders, deaf-blind, emotional disturbance, orthopedic impairment, other health impaired, and traumatic brain injury. Each of these proposed authorizations are parts of other full special education authorizations. These added authorizations will allow the holder to be prepared in focused, limited areas where there is a need for that specific service. The preparation received may be used to meet the requirements for the full authorization if the teacher wishes to earn that authorization. The Commission does not issue duplicative authorizations. If the individual is authorized to provide services in a specialty area, the Commission will not issue the added authorization.

The Added Authorizations in Special Education would be available through completion of a Commission-approved program based on Commission-approved standards. The standards have been presented to the Commission at previous and this month's Commission meeting. The authorization would provide specific advanced preparation for the teacher. Added Authorization programs will lead to expanded expertise for teachers and improved services to special needs students through a streamlined, non-redundant process. Commission Added Authorizations in Special Education would allow holders of Education Specialist Credentials as well as previously issued special education credentials to expand their authorizations without obtaining a new full special education specialty area. The Added Authorizations in Special Education will allow flexibility for the local employing agencies to assign an individual to serve students in more than one specialty area as well as for the teacher to be able to be appropriately assigned in a class with students needing services in more than one specialty area.

#### **Proposed Addition of §80048.7**

**§80048.7(a)** The minimum requirements for an Added Authorization in special education is detailed to include holding a special education credential in another specialty area which is based on completion of a bachelor's degree, special education teacher preparation program and student teaching.

**§80048.7(a)(2)** Completion of an approved program is the method of verifying completion of the content for the added authorization.

**§80048.7(a)(3)** Language to reference the specific application form, including the instructions to complete the form, that applicants applying for issuance of an Added Authorization in Special Education must use to provide the information needed to process the application including birth date, social security number, and current address and also responding to professional fitness questions and signing an oath and affidavit is referenced. Language to clarify the fee required for issuance of an Added Authorization in Special Education is referenced.

**§80048.7(a)(4)** Clarification for all approved programs that may verify completion of the approved program is included in this subsection.

**§80048.7(b)** The specific specialty areas in which Added Authorizations may be issued are listed. Data for the number of students with special needs served by California public schools shows the number of students with special needs who received services in the recent past. The overall number of students receiving services has remained relatively constant. Only one area, Specific Learning Disability, has shown a significant decrease (-11%) in students needing services. Two areas, Other Health Impairment (e.g., students with epilepsy) and students diagnosed with Autism Spectrum Disorder, have seen 54% and 88% increases respectively in students requiring services. According to data from California Deaf-Blind Services, the count of children needing services in the area of deaf-blind has exceeded 900 for the last three years.

**Number of Students (age 0-22) Receiving Special Education Services by Disability  
2002-2007**

<b>DISABILITY</b>	<b>2002-03</b>	<b>2003-04</b>	<b>2004-05</b>	<b>2005-06</b>	<b>2006-07</b>
Mental Retardation	43,302	44,017	44,263	43,739	43,522
Hard of Hearing	6,934	7,200	7,608	8,150	8,241
Deaf	4,540	4,510	4,462	4,337	4,242
Speech/Language Impairment	172,417	175,927	176,265	181,319	178,599
Visual Impairment	4,624	4,599	4,798	4,761	4,697
Emotional Disturbance	26,144	27,292	27,912	27,512	27,081
Orthopedic Impairment	15,131	15,074	15,321	15,653	15,429
Other Health Impairment	28,161	32,083	35,650	40,081	43,498
Specific Learning Disability	344,571	337,884	328,381	314,817	306,950
Deaf-Blindness	207	215	266	229	207
Multiple Disability	6,670	6,606	5,926	6,125	5,673
Autism	21,066	24,943	29,370	34,668	39,711
Traumatic Brain Injury	1,565	1,630	1,747	1,787	1,798
<b>TOTAL</b>	<b>675,332</b>	<b>681,980</b>	<b>681,969</b>	<b>683,178</b>	<b>679,648</b>

Source: California Special Education Management Information System, California Department of Education.

**§80048.7(c)** The Commission does not issue duplicative authorizations. If an individual is authorized to provide the instructional services on another document, the Added Authorization will not be issued.

**§80048.7(d)** The authorization for the Added Authorizations are aligned with the definitions in Title 34 of the Code of Federal Regulations.

**§80048.7(e)** The Added Authorization requires a prerequisite credential and the Added Authorization remains valid for the same time period that prerequisite credential is valid.

## **Title 5 Section 80048.7 Pertaining to the Added Authorization in Special Education**

### **§80048.7. Added Authorizations in Special Education.**

**(a)** Requirements for the Added Authorization in Special Education include all of the following:

- (1) Possession of an internship, preliminary, professional clear, clear, or life special education teaching credential or a services credential with a special class authorization listed in sections 80047 through 80047.9;
  - (2) Completion of a Commission-approved professional preparation program in the education specialist specialty area requested, including successful completion of supervised field study;
  - (3) The applicant submits a completed Application for Credential Authorizing Public School Service (form 41-4, rev. 9/08) available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 9/08) and Form 41-ECC (Explanation of Criminal Conviction or Pending Criminal Charge) (rev. 7/08), and the fee(s) as specified in Section 80487(a)(1).
  - (4) Verification of completion from a Commission-approved program accredited by the Committee on Accreditation in the authorization sought, as provided in Education Code Sections 44373(c) and 44259(b)(3).
- (b) The added authorizations may be issued in the areas of autism spectrum disorders, deaf-blind, emotional disturbance, orthopedically impaired, other health impaired, and traumatic brain injury.
- (c) If an individual holds an authorization to provide instructional services in an added authorization specialty area, the added authorization in special education cannot be issued.
- (d) Authorization.
- (1) The autism spectrum disorders added authorization authorizes the holder to conduct assessments, provide instruction, and special education related services to individuals with a primary disability of autism as defined in subsection 300.8(c)(1) of Title 34 Code of Federal Regulations, Subpart A, across the continuum of special education program options at the grade and age levels authorized by the prerequisite credential required in (a)(1).
  - (2) The deaf-blind added authorization authorizes the holder to conduct assessments, provide instruction, and special education related services to individuals with a primary disability of deaf-blind as defined in subsection 300.8(c)(2) of Title 34 Code of Federal Regulations, Subpart A, across the continuum of special education program options at the grade and age levels authorized by the prerequisite credential required in (a)(1).
  - (3) The emotional disturbance added authorization authorizes the holder to conduct assessments, provide instruction, and special education related services to individuals with a primary disability of emotional disturbance as defined in subsection 300.8(c)(4) of Title 34 Code of Federal Regulations, Subpart A, across the continuum of special education program options at the grade and age levels authorized by the prerequisite credential required in (a)(1).
  - (4) The orthopedic impairment added authorization authorizes the holder to conduct assessments, provide instruction, and special education related services to individuals with a primary disability of orthopedic impairment as defined in subsection 300.8(c)(8)

of Title 34 Code of Federal Regulations, Subpart A, across the continuum of special education program options at the grade and age levels authorized by the prerequisite credential required in (a)(1).

(5) The other health impairment added authorization authorizes the holder to conduct assessments, provide instruction, and special education related services to individuals with a primary disability of other health impairment as defined in subsection 300.8(c)(9) of Title 34 Code of Federal Regulations, Subpart A, across the continuum of special education program options at the grade and age levels authorized by the prerequisite credential required in (a)(1).

(6) The traumatic brain injury added authorization authorizes the holder to conduct assessments, provide instruction, and special education related services to individuals with a primary disability of traumatic brain injury as defined in subsection 300.8(c)(12) of Title 34 Code of Federal Regulations, Subpart A, across the continuum of special education program options at the grade and age levels authorized by the prerequisite credential required in (a)(1).

(e) Period of Validity. The Added Authorization in Special Education shall remain valid as long as the appropriate prerequisite credential required in subsection (a)(1) remains valid.

NOTE: Authority Cited: Section 44225, Education Code. Reference: Sections 44225(b) and (e), 44253, 44265 and 44373, Education Code.

## **Background**

### *Special Education Limited Assignment Permit*

The Limited Assignment Permit has been issued only to holders of general education credentials as they complete requirements to add an additional authorization to their general education credential. Staff is proposing the addition of a section of regulations for a Special Education Limited Assignment Permit for the same purpose for holders of special education credentials. The first step in the establishment of the new permit is to amend Title 5 section 80027 to clarify that the section is only for General Education Limited Assignment Multiple and Single Subject Permits. Proposed amendments to the section of regulations were presented to the Commission at the December 2008 meeting and the January 2009 meeting.

In 2006, the Commission promulgated regulations to sunset the Emergency Multiple Subject, Single Subject and Education Specialist Teaching Permits and established the Provisional Internship (PIP) and Short-Term Staff (STSP) Permits. The intent of the PIP is to allow an individual two years to meet subject-matter competence to enroll in an internship program to earn a full credential. As a result of this change, holders of preliminary or clear Education Specialist Credentials who previously could have earned an Emergency Education Specialist Permit if teaching outside the subject area of their credential no longer qualified for the PIP since subject-matter competence has already been verified for the Education Specialist Credential. The STSP is available but may only be issued once. Regardless whether a STSP is issued, there is no option to earn an 'emergency' type of permit in special education for more than one year to allow the individual sufficient time to earn an additional authorization.

Creating a Special Education Limited Assignment Permit will allow individuals the opportunity and the time (up to three years) to complete the course work necessary to enroll in a special education internship program or to earn an Added Authorization in Special Education. In addition, it allows flexibility for the local employing agencies especially in rural and remote areas of the state to assign an individual to serve students in more than one specialty area and for the teacher to be assigned to serve students in more than one special education specialty area.

One difference from the General Education Limited Assignment Permit, the Special Education Limited Assignment requires a minimum of three semester units or one year of experience for initial issuance. This is the same criteria required in the Local Teaching Assignment Option in AB 2302 (Education Code §44265.1).

There is a restriction on the number of years a teacher may serve on a General Education Limited Assignment Permit and the same restriction is applied to the Special Education Limited Assignment Permit. Since six semester units of course work appropriate to the credential are required for reissuance, it is not necessary to allow assignments on a Special Education Limited Assignment Permit to continue indefinitely. An individual should be able to complete the requirements for an appropriate added authorization in special education or to enter an internship program within a three-year period.

#### **Proposed Addition of §80027.1**

The requirements for initial issuance of a Special Education Limited Assignment Teaching Permit align with the requirements for the initial issuance of the General Education Limited Assignment Permit found in section 80027.

**§80027.1(a)(1) and (b)(4)** A Declaration of Need includes an estimate of the number of emergency and limited assignment permits an employer will be requesting each year as provided in Title 5 section 80026.

**§80027.1(a)(2) and (b)(1)** Current employment is needed to ensure that the individual is familiar with the school and eliminates the need for recruitment which is required for the issuance of a Provisional Internship Permit as found in Title 5 section 80021.

**§80027.1(a)(3) and (b)(2)** An appropriate prerequisite credential in special education is required to ensure the individual has the requisite knowledge of special education to serve in an additional special education specialty area.

**§80027.1(a)(4)** Individuals assigned outside the subject area of their prerequisite credential need additional support from an experienced educator in the specialty area if the individual has not yet obtained permanent status.

**§80027.1(a)(5)** The specialty areas allowed for the Special Education Limited Assignment Teaching Permit aligns with those for the preliminary or clear Education Specialist Credential.

**§80027.1(a)(6) and (B)(6)** An individual is authorized to teach within the subject area(s) of the credential issued. If the individual is serving outside the subject area(s), the teacher needs to consent to the additional assignment.

**§80027.1(a)(7) and (b)(3)(A) and (B)** Language to reference the specific application form, including the instructions to complete the form, that applicants applying for issuance of a Special Education Limited Assignment Permit must use to provide the information needed to process the application including birth date, social security number, and current address and also responding to professional fitness questions and signing an oath and affidavit is referenced. Language to clarify the fee required for issuance of an Special Education Limited Assignment Permit is referenced.

**§80027.1(a)(8)** One addition to the requirements that is different from the General Education Multiple and Single Subject Limited Assignment Permit is a specific number of units of course work or experience in the requested specialty area required for initial issuance. The complexity of each special education specialty area warrants the extra subject matter knowledge prior to initial issuance of the permit. This criteria mirrors the requirement in Education Code §44265.1.

**§80027.1(b)(3)(C)** The renewal requirements align with the renewal requirements of the General Education Limited Assignment Teaching Permit to verify progress towards completion of a full authorization in the area of the permit.

**§80027.1(b)(4)** The limitation of the number of issuances of the permit allows the individual the time to complete a full authorization in the area of the permit

**§80027.1(c)** The authorization of the Special Education Limited Assignment Teaching Permit aligns with the authorization for the preliminary or clear Education Specialist Credential.

**§80027.1(d)** The Limited Assignment Permit requires a prerequisite credential and the expiration date of the permit cannot be later than the expiration date of the required prerequisite credential.

**§80027(d)(1)** Requirements to extend a Limited Assignment Permit that has been issued for less than one calendar year because the prerequisite credential has expired are detailed.

## **Title 5 Section 80027.1 Pertaining to the Special Education Limited Assignment Teaching Permit**

### **§80027.1. Special Education Limited Assignment Teaching Permit.**

**(a) Requirements for the initial issuance of a Special Education Limited Assignment Teaching Permit include all of the following:**

- (1) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.**
- (2) Applicant is currently employed by the local governing board requesting such assignment.**
- (3) Applicant holds a valid California special education teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent or a services credential with a special class authorization listed in sections 80047 through 80047.9.**

- (4) Applicants who have not obtained permanent status as defined in Education Code 44929.21 or 44929.22 or 44929.23 shall be assigned an experienced educator by the employing agency in the subject area of the Special Education Limited Assignment Teaching Permit who has completed three years of full-time special education teaching experience in the special education specialty area(s) requested. If more than one specialty area is requested for the permit, the experienced educator(s) must have a minimum of three years of teaching experience in each area requested. The local employing agency may assign more than one experienced educator to the permit holder to meet this requirement.
  - (5) The Special Education Limited Assignment Teaching Permit may be issued in the special education specialty area aligned with the preliminary and clear Education Specialist Instruction Credentials.
  - (6) The employing agency must keep on file a written statement verifying consent of the teacher to serve on the Special Education Limited Assignment Teaching Permit.
  - (7) For initial issuance of a Special Education Limited Assignment Teaching Permit, the following shall be submitted to the Commission by the employing agency:
    - (A) A completed Application for Credential Authorizing Public School Service (form 41-4, rev. 9/08) available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 9/08) and Form 41-ECC (Explanation of Criminal Conviction or Pending Criminal Charge) (rev. 7/08).
    - (B) The fee as specified in Section 80487(a)(1).
    - (C) One of the following:
      - (i) Three semester, or the equivalent quarter, units of course work in each special education specialty area requested, or
      - (ii) One year of successful full-time classroom experience, or the equivalent in part-time experience, working with special education students in each of the special education specialty area requested and has received a favorable evaluation or recommendation by the local employing agency.
- (b) Requirements for the renewal of a Special Education Limited Assignment Teaching Permit.
- (1) Applicant is currently employed by the local governing board requesting such assignment.
  - (2) Applicant holds a valid California special education teaching credential based on a baccalaureate degree and a professional preparation program, including student teaching or the equivalent or a services credentials with a special class authorization listed in sections 80047 through 80047.9.
  - (3) For initial issuance of a Special Education Limited Assignment Teaching Permit, the following shall be submitted to the Commission by the employing agency:

(A) A completed Application for Credential Authorizing Public School Service (form 41-4, rev. 9/08) available on the Commission's website and hereby incorporated by reference, together with its related Instruction and Information Sheet (rev. 9/08) and Form 41-ECC (Explanation of Criminal Conviction or Pending Criminal Charge) (rev. 7/08).

(B) The fee as specified in Section 80487(a)(1).

(C) Verification of the completion of at least six semester units, or the equivalent quarter units, of course work required for issuance of the related credential.

(4) The employing agency must submit a Declaration of Need for Fully Qualified Educators that satisfies the provisions of Section 80026.

(5) An individual may renew a Special Education Limited Assignment Teaching Permit in any one special education specialty area only twice during his or her lifetime.

(6) The employing agency must keep on file a written statement verifying consent of the teacher to serve on the Special Education Limited Assignment Teaching Permit.

(c) Authorization:

(1) A Special Education Limited Assignment Teaching Permit authorizes the same service as an Education Specialist Teaching Instruction Credential.

(d) The Special Education Limited Assignment Teaching Permit shall be valid for one calendar year and expires one calendar year from the first day of the month immediately following the date of issuance but is limited to the expiration date of the prerequisite credential held.

(1) A permit issued for less than one calendar year may be extended for the remainder of the calendar year as long as the prerequisite credential has been renewed. An application and fee as found in (b)(3)(A) and (B) must be submitted. Verification of requirements as found in (b)(3)(C) are not required to extend the permit for the remainder of the calendar year.

Note: Authority cited: Sections 44225(d), (g) and (q) and 44300, Education Code. Reference: Sections 44225(b) and (e) and 44300, Education Code.

### **Next Steps**

The regulations will appear at a public hearing following the required 45-day response period.